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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,116	02/13/2006	Gottfried Rieger	2003P13100WOUS	5505

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
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2445

MAIL DATE	DELIVERY MODE
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02/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,116	Applicant(s) RIEGER ET AL.	
	Examiner RYAN J. JAKOVAC	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,11,13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-11,13,16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 12/08/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites “wherein the first and second firewalls include essentially the same security procedures.” The claim term “essentially the same” lacks a clear and precise definition. One of ordinary skill in the art would not be able to determine the metes and bounds of the claim.

Claim Interpretation

4. The Applicant has not provided a clear definition for the term “transmission path” recited in claim 1 within the specification. Therefore the Examiner will interpret this element by its plain meaning as if the term was interpreted by one of ordinary skill in the art. See MPEP 2111.01.

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Applicant has amended to include limitations directed towards a first and second transmission path. The applicant's specification discloses communication over a single bidirectional link (See [0009], and [0017-0018] of applicant's disclosure). Therefore the communication paths as recited in the amended independent claims are distinguished by their endpoints. For example, a first transmission path would comprise communication from point A to point B, while the second transmission path would comprise communication from point B to point A. This interpretation is consistent with the specification which discloses one link but two paths over which data is transmitted.

Response to Arguments

5. Applicant's arguments with respect to claims 10-11, 13, and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 10, 11, 13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,7889,80 to Johnson in view of WO 02/27997 A2 to McMullan et al (hereinafter McMullan).

Regarding claim 10, Johnson teaches a Human-Machine-Interface (HMI) system, comprising:

at least one mobile operating and monitoring device for controlling automation components of a technical installation (Johnson, Column 1 lines 21-45 generally teach control systems. Specifically lines 33-36 teach "In other control systems, such apparatus monitor the device, process or system and display alarms or other indicia of its characteristics, leaving responsibility for adjustment to the operator.");

a radio link for wireless data transmission between the mobile operating and monitoring device and an automation component with a radio access point (Johnson, Column 6 lines 4-7 teach "Apparatus 40-44 can couple with the control network directly, e.g., via bus or network connection, or indirectly, e.g., via satellite, wireless connection or modem connection."), the radio link comprising a first transmission path wherein data is transmitted from the automation component with a radio access point to the mobile operating and monitoring device (Johnson, col. 5:60 to col. 6:21, control system to handheld computer. See fig. 1.), and a second transmission path wherein data is transmitted from the mobile operating and monitoring device to the automation component with the radio access point (Johnson, col. 5:60 to col. 6:21, handheld computer to control system. See fig. 1.);

a first firewall in the mobile operating and monitoring device for securing data transmissions in the first transmission path (McMullan, pg. 22-23, client firewall. See also fig. 1.); and

a second firewall in the automation component with the radio access point for securing data transmissions in the second path (McMullan, pg. 17, server firewall examines packets attempting to pass through it. See also fig. 1.), and

wherein the first firewall secures transmissions on the first communication path but not on the second communication path (McMullan, pg. 22-23, client firewall secures communications from outside the client firewall.), and the second firewall secures transmissions on the second communication patch but not on the first communication path (McMullan, pg. 17, server firewall secures communications from outside the server firewall.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine Johnson and the firewalls of McMullan in order to provide typical advantages provided by placing both systems behind firewalls such as securing communications between communicating endpoints and to block or allow certain data connections (McMullan, pg. 16-19, 22-23.).

Regarding claim 11, the combination of Johnson and McMullan teaches the HMI system in accordance with claim 10, wherein the first and second firewalls include essentially the same security procedures (McMullan, abstract, multiple firewalls control connections between client and server elements. See also fig. 1.).

Regarding claim 13, the combination of Johnson and McMullan teaches the HMI system in accordance with claim 10, wherein the mobile operating and monitoring device is encapsulated (Johnson, col. 5, line 63 to col. 6, line 7, laptop or handheld computer.).

Regarding claim 16, the combination of Johnson and McMullan teaches the HMI system in accordance with claim 10, wherein the automation components are connected by a field bus, wherein the automation component with the radio access point is connected to the field bus (Johnson, col. 2, lines 15-27, "The field devices, controllers, workstations and other components that make up a process control system typically communicate over heterogeneous media. Field devices connect with controllers, for example, over dedicated "fieldbuses" operating under proprietary or industry-specific protocols.").

Regarding claim 17, 18, the combination of Johnson and McMullan teaches the HMI system in accordance with claim 10, wherein the automation components include a radius server (Johnson, col. 11, line 26-37, server 47, "Inter-system access is provided by a gateway device, such as server 47, that permits the secure transfer of data." See also, fig. 1.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Larry D Donaghue/

Primary Examiner, Art Unit 2454